

## **AFFIDAVIT IN SUPPORT OF COMPLAINT**

I, Timothy J. Theriault, being first duly sworn, hereby state as follows:

### **INTRODUCTION AND AGENT BACKGROUND**

1. I have been employed as a Special Agent (SA) with the Federal Bureau of Investigation (FBI), since December 2001. I am currently assigned to the Augusta, Maine Resident Agency of the FBI's Boston Division. In my 20 years with the FBI, I have investigated all types of criminal violations, including bank robberies, white collar crimes, public corruption, wire fraud, kidnappings, and all types of matters involving violent crimes against children. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

2. The facts in this affidavit are based in part on information provided by U.S. federal law enforcement agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical surveillance conducted by law enforcement agents; independent investigation and analysis by law enforcement agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent. I have set forth only the facts that I believe are necessary to establish probable cause to believe a violation of 18 U.S.C. § 1470, Attempted Transfer of Obscene Material to a Minor.

### **PROBABLE CAUSE**

**FBI Undercover Contact with "maine"**

3. On September 20, 2019, an FBI online covert employee (“OCE”) was logged on to Chatroom A.<sup>1</sup> Chatroom A is part of a larger internet-based chat platform that contains virtual rooms for various topics, such as adult, teen, sports, music and more. Chatroom A is a room specially targeted for children sixteen (16) years of age or younger. Chatroom A contains a public chat where users can post messages seen by all users. Chatroom A also contains a private message function that allows two users to participate in a private chat. The OCE was posing in an undercover capacity as a minor female.<sup>2</sup> The OCE’s profile said that she was thirteen (13) years old.

4. On September 20, 2019, the OCE received a private message from a user with the profile name “maine.”<sup>3</sup> The user “maine” asked the OCE in a chat message if she was a virgin and whether she wanted to lose her virginity. The user “maine” told the OCE how good it could be for the OCE to lose her virginity prior to getting her period. In the chat between the OCE and “maine,” the OCE asked “maine” if he was “trying to have \*\*\*\* with me?” The user “maine” replied, “I would totally have \*\*\*\*\* with you.” The user “maine” said he had met three girls from “chat.” The user “maine” asked about seeing the OCE on camera and added, “I cld tell u if it will be really bad if I can see yur hymen and there are ways for it to be a littw easier.” The

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<sup>1</sup> I have not used the actual name of the chatrooms referenced in this affidavit in order to avoid compromising an ongoing FBI covert effort.

<sup>2</sup> In the chat exchanges described in this affidavit, the OCE posed as this minor female and used a specific name. Because the OCE continues to use that name/identity in undercover operations, I have not given the name in this affidavit.

<sup>3</sup> The messages that I have reproduced in this affidavit contain several typographical errors. Those are errors that were contained in the original messages and I have not corrected them here.

user “maine” asked if the OCE had ever let a guy see her “girl parts” and asked about “seeing” the OCE on “cam.”

### **FBI Undercover Contact with “maine” and “paul” Leading to a Video Chat**

5. On September 20, 2019, the OCE had another chat session with “maine” in Chatroom A. The user “maine” asked the OCE questions about the OCE’s anatomy, including specific questions like, “Are u still bald or shaved? Just blond fuzz starting?” The OCE agreed to video chat with the user “maine” and provided “maine” a link to an Internet based video chat room, separate from Chatroom A. The OCE provided a specific and unique email address link to “maine” so that they could continue their chat. The user “maine” initially had difficulty connecting via the link, asking the OCE clarifying questions in the Chatroom A session, about how to connect to the link the OCE provided. The OCE clarified to “maine,” “gotta take out all the spaces though” (referring to the email link format.)

6. At approximately 3:26 p.m. on September 20, 2019, an individual with username “paul” connected to the link the OCE had provided to “maine.” At the start of the chat, “paul’s” video camera was on for about two seconds and the OCE was able to capture video of a male’s face, before “paul’s” camera was turned off. Still using Chatroom A, “maine” asked the OCE, “how do I give permission for my camera.” The OCE replied, “I don’t know. i saw you there for a sec”. After “paul’s” camera was turned off, the user appeared as “Guest” and not “paul” in the chatroom. The OCE suggested that they try the video connection later and wrote, “I gotta go.” The user “Guest” responded, “Hi Sry Had O idea how to msg i this app never used it.” “Guest” then asked the OCE, “oh...so have you let other boys see your girl parts?” The user “Guest” also asks, “oh...is yur camera on?” The OCE again indicated a need to leave the chat, and Guest continued to ask questions of the OCE, “how often do you usually masterbate?” and “I wanna

watch next time.” At approximately 3:35p.m., the OCE utilized a law enforcement sensitive tool that allowed the OCE to appear to be a minor female (fully-clothed), after which, “Guest” commented to the OCE, “You can handle cock” and “Youll be ok.” The user “Guest” also wrote, “Yur not as skinny as the 12 yr. old I met” and “She was a dancer and 79 lbs” and “She took it.” The OCE ended the chat session, “I gotta go we can talk about it later.” The user “Guest” replied, “Hope so.”

#### **FBI Undercover Contact with “john public” in September 2019**

7. On September 20, 21, and 22, 2019, an individual showing as user “john public” attempted to make contact with the OCE on Website B.<sup>4</sup> Website B is a communication service that allows members to initiate and participate in text, voice, or video chats, either one-on-one or in a group. The OCE did not respond to any of the efforts by user “john public” to contact the OCE.

8. On September 23, 2019, the OCE responded to “john public,” writing “who are you?” In chat conversation, “john public” stated “we talked in the chat room.” The OCE replied, “I talk to a lot of people in chat rooms.” The OCE then mentioned the name of Chatroom A, and “john public” replied, “Yes...about babies and hooking up.” The OCE asked, “maine?” and “john public” responded “yes [name used by OCE] U said to add u.” In this same chat session, “john public” wrote “Yur 12.” The OCE responded, “nope. Im 13 I told you like 2 times before.” In the chat, the OCE tells “john public” she is from Michigan. The user “john public asked, “U wanna do this and get preggo? Or don’t wanna be preggers?” The OCE

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<sup>4</sup> I have not used the actual name of the chatrooms referenced in this affidavit in order to avoid compromising an ongoing FBI covert effort.

responded, "NO WAY! I don't want to get pregnant!" The user "john public" asked to see pictures of the OCE, "[a]t least bea and panties . . . [a]nd yur bum." When the OCE said she was concerned about being "black mailed" with the pictures, "john public" suggested that she "[l]eave [her] head off the pic." Further in the chat, the user "john public" wrote, "I do really need to see yur hymen to make this easier." He asked the OCE, "[h]ow many fingers can you take? 2 or more" and then asked about her "period." He wrote that he wanted to be sure the OCE was not "preggo" now so that he wouldn't be "blamed" if she ended up pregnant. He told the OCE, "I ain't coming all the way to MI without knowing yur gonna do it."

#### **FBI Undercover Contact with "notmehere"**

9. On September 24, 2019, the OCE was again logged on to Chatroom A, posing as a minor child. The user "notmehere" sent private messages to the OCE. The OCE commented, "hi, your profile pic looks like someone I talked to before." The user "notmehere" replied, "U from MI" and the OCE replied, "yes," and then "maine?" "[N]otmehere" replied, "Yep u got all mad a\*\*\*\* yesterday." The OCE replied, "just annoyed." The user "notmehere" wrote, "[b]ecause I wanna make sure youre real not pregnant and won't chicken out?" The user "notmehere" asked the OCE for images to prove that the OCE was not "chicken shit" and would allow "notmehere" to undress her in person.

#### **FBI Undercover Contact with "john public" in October 2019**

10. On October 20, 2019, the user "john public" initiated contact with the OCE. The user "john public" asked, "U still wanna do this? I really do wanna see u b4 we meet, :( " The OCE responded, "What do you mean? You've seen me." "[J]ohn public" replied, "U know what I mean. :) And yur gonna say no." A few seconds later, "john public" sent the OCE a



closeup photo of an adult man's penis. No further conversation took place on this date after the OCE received the photo from "john public."

11. The close-up photo of the adult man's penis appears to have been taken against the backdrop of a bed sheet or blanket. The sheet/blanket appears to be predominantly tan in color with a blue and maroon design.

12. On October 21, 2019, the user "john public" sent the OCE a question mark, "?" The OCE responded, "I've been in bed all day..cramping bad..." The user "john public" wrote, "U said nothing about the pic I sent u. :( " The OCE replied, "Lol. Kinda big." The user "john public" replied, "[i]t will fit. Promise." The user "john public" continued the chat, telling the OCE he could help her feel better, and suggested, "if u masturbate it does helps the cramps, (and I cld let me watch u cum) 😊"

13. On October 27, 2019, the user "john public" initiated contact with the OCE, sending a chat complaining that the OCE had not communicated with him in almost a week and that he is always the one messaging her.

14. On November 7, 2019, the user "john public" and the OCE exchanged messages planning how they could meet. The user "john public" asked for pictures "even with clothes on for now." The OCE provided three (3) photos of a young, clothed female, with her face obscured, to "john public."

15. On November 8, 2019, the user "john public" continued to chat with the OCE about having sex and requested again that that the OCE send nude pictures to him. The user "john public" commented, "I sent you a nice pic...why don't u send one back like that?" The OCE replied, "What r u talking about? The user "john public" wrote, "I sent u a pic of what's going inside u."

### **Identification of Dale Carr**

16. After one of the initial chats on Website B between the user “notmehere” and the OCE, the OCE captured the Google Accounts and ID Administration (GAIA) ID for the date and time that the OCE and the user “notmehere” chatted. The GAIA ID is an individual user identification ID assigned by the Website B domain administrator. In response to an administrative subpoena, the subscriber of the captured Website B ID was found to have an associated telephone number of (207) 713-2184.

17. The OCE determined that the phone number was assigned to US Cellular and issued an administrative subpoena to that provider for information related to phone number (207) 713-2184. In response to the subpoena, US Cellular identified the subscriber as E. Carr, with an address in Canton, Maine. An online open source search through the Citizens Law Enforcement Analysis and Reporting (CLEAR) database for the same address in Canton, Maine, returned associated information for Dale Carr (“Carr”).

18. I obtained Carr’s State of Maine Bureau of Motor Vehicles (BMV) driver’s license photograph. I compared that photograph to the images captured by the OCE in the Website B video room on September 20, 2019, when the user “paul” had his camera on for a few seconds. The BMV photograph of Carr and the video images of the user “paul” appear to me to be similar; the person in the images has the same or similar facial features.

19. Based on a vital records search, I obtained additional information about Carr, including his date of birth (year is 1971) and current address in Canton, Maine. I also learned that he is currently married to E. Carr.

20. I have reviewed reports prepared by officer(s) of the Monmouth, Maine police department (MPD) related to that police department’s incident number 07-1359. According to

those reports, on January 17, 2007, V. Carr (spouse of Carr on that date) reported to investigators that her husband, Carr, had been viewing and downloading child pornography on the family computer. V. Carr told officers that Carr had been viewing child pornography on the family computer for approximately three years. V. Carr stated that the pornography was of prepubescent female children engaged in sexual acts. V. Carr also stated that Carr visited a number of sites and “chat rooms.” V. Carr agreed to the seizure by law enforcement officers of the family computer and various CDs and floppy discs. A related incident report from the MPD indicates that a preliminary forensic review by law enforcement of one of these floppy discs revealed 40 to 60 images of prepubescent girls engaged in sexual acts.

21. I have reviewed an MPD arrest report that documents that on December 14, 2007, a deputy with the Kennebec County Sheriff’s Office (KCSO) arrested Carr on a state charge of possessing sexually explicit material of a minor under the age of 12. I have spoken with a representative of the KCSO and learned that the State of Maine ultimately abandoned the prosecution of Carr for the child pornography charged when V. Carr passed away unexpectedly on in 2008.

22. In a review of FBI reports, I have become aware of an FBI investigation involving Carr. In 2019, FBI agents in Milwaukee, Wisconsin arrested a man who was soliciting underage girls for sex using the social media platform Instagram. As part of the investigation of that crime, FBI agents identified individuals with whom the Wisconsin man had communicated. One of those individuals was chat user “paul smith” also identified in chats with the Wisconsin man as user “johnqpublic12389” and “Maine.” A review of the Wisconsin man’s chat communications revealed that he had communicated with “paul smith” and “johnqpublic12389” and had transmitted at least one image of child pornography to that user. That transmission



occurred on May 12, 2018, when the Wisconsin man used Kik messenger to chat with user “paul smith.” Kik is a free messaging application for mobile devices that lets users connect with each other through chat. Users can send text, pictures, videos and more all within the app. In chats, the Wisconsin man sent a picture of three clothed, teen girls as well as a sexually explicit image of a naked and prepubescent female child. In chat communications, the Wisconsin man claimed that the prepubescent girl was his daughter. The user “paul smith” wrote in a chat that the Wisconsin man was “sick” for doing that to his own child, and the Wisconsin man responded, that “paul smith” was “sick.....” “for wanting to get young girls preggo”.

23. As part of the FBI Milwaukee investigation, a review of the chat sessions between the FBI Milwaukee subject and “paul smith” identified a specific Internet Protocol (IP) address associated with “paul smith” and “johnqpublic12389”. An administrative subpoena was issued to Charter Communications.

24. The results of the administrative subpoena to Charter Communications showed that the account associated with this IP address was in the name “Paul Smith” with a billing address of 128 N. Main St. FL2, Apt.2, N. Monmouth, ME. The associated phone number was (207) 713-2184. The email associated with the Charter Communications Internet service was [babtistgunslinger@roadrunner.com](mailto:babtistgunslinger@roadrunner.com).

25. I have reviewed State of Maine criminal history records for Dale Carr and those show previous address listings for Carr of 128 North Main St., Monmouth, ME, and 128 Main Street, North Monmouth, ME. Those records also show a primary phone number of (207) 713-2184.

26. On 10/26/2021, I interviewed Witness 1, an employee at H. F. Witness 1 was familiar with Dale Carr and confirmed that Carr was previously an employee of H. F. Witness 1 stated that Carr was a “yard jockey.”<sup>5</sup> Witness 1 stated that Carr’s email was “gunslinger.”

27. I showed Witness 1 a still photo from the video captured on September 20, 2019, by the FBI OCE while chatting with “maine/Paul.” Witness 1 identified the individual in the photo as Carr.

28. I also interviewed Witness 2, an employee at H. F., who previously worked with Dale Carr. Witness 2 was shown the same photo as Witness 1 and identified the individual in the photo as Carr. Witness 2 was shown four (4) additional still photos derived from the video that were captured by the FBI OCE on September 20, 2019, depicting unidentifiable machinery. Witness 2 identified the photos as the interior cab of the “yard horse” which Carr drove during his employment at H. F.

29. Upon inquiry of Carr’s employment details, it was determined Carr was employed at H. F. from September 22, 2011, through April 10, 2021. Review of a timecard for Carr showed Carr was working on September 20, 2019, clocking in at 8:59 A.M. and clocking out at 1:00 P.M. Carr clocked back in at 1:30 P.M. and clocked out again for the day at 4:59 P.M. The photos captured by the FBI OCE during the online chat session occurred at approximately 3:26 P.M. on September 20, 2019, while Carr was at work.

30. Furthermore, during a search of Carr’s residence on August 4, 2021, based off a warrant signed by this Court, a leafy camouflage patterned bed sheet was recovered from Carr’s

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<sup>5</sup> A “yard jockey” is someone who moves the box trailers around, within the confines of the facility, generally through the use of a “yard horse.”

bed. I have reviewed the camouflage sheet against the photo of the male penis sent on October 20, 2019, to the FBI OCE from "john public" and the sheet appears to be the same as the one in the background of the photo.

**Means and Facility of Interstate Commerce**

31. Carr was utilizing the internet to communicate with FBI OCE and to send the photo, which I understand to be a means and facility of interstate commerce.

**CONCLUSION**

I respectfully submit, based on the facts set forth above, that probable cause exists to charge Dale Carr by complaint with the offense of attempted transfer of obscene material to minors, in violation of 18 U.S.C. § 1470, and request that the accompanying complaint be issued.



Timothy J. Theriault  
Special Agent  
Federal Bureau of Investigation

Sworn to telephonically and signed  
electronically in accordance with the  
requirements of Rule 4.1 of the Federal Rules  
of Criminal Procedure

Date: Aug 15 2022

City and state: Bangor, ME



  
Judge's signature  
John C. Nilsson U.S. Magistrate Judge  
Printed name and title